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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,153	07/25/2006	Josef Artelsmair	ARTELSMAIR ET AL 8 PCT	4970
25889	7590	03/18/2009	EXAMINER	
COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			DANG, KET D	
		ART UNIT	PAPER NUMBER	
		4118		
		MAIL DATE	DELIVERY MODE	
		03/18/2009	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/587,153	ARTELSMAIR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	KET DANG	4118	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 July 2006.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/25/2006</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/AT05/00019, filed on January 26, 2005.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "(23)" has been used to designate both "the wire core" and "the hose pack". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. In claim 1, the recitation of “one end of the wire core (43)” at lines 4-5 renders the claim indefinite because the reference number “(43)” is the same for both ends of the housing, see figure 4. Furthermore, It is also unclear the recitation of “a wire guide hose (50)” at lines 9-10, again, the reference number “(50)” is the same for both ends of the housing, see figure 4. Therefore, examiner does not know which ends of the housing. There is insufficient antecedent basis for "the wire core (23) recited at lines 10-11in the claim. Furthermore, there is insufficient antecedent basis for “the opposite end region” recited on line 9. Such region must be clearly defined.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

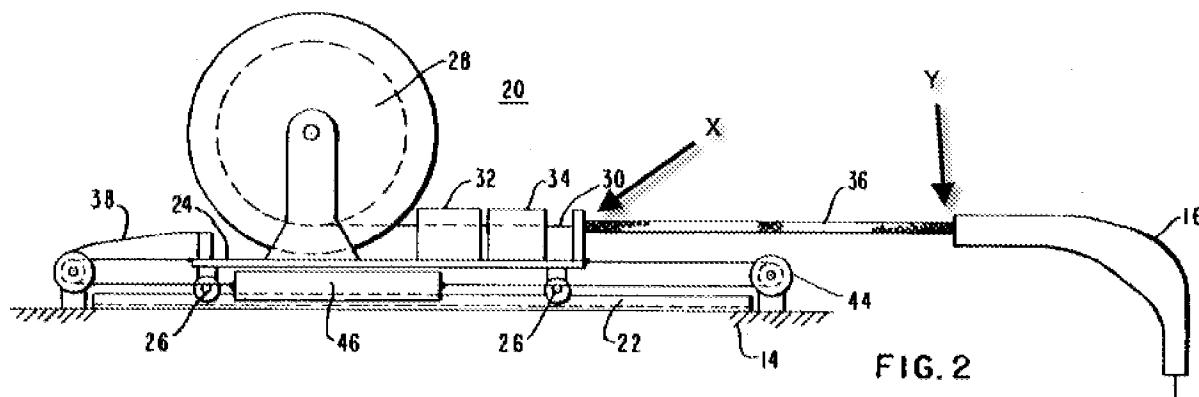
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 & 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Bosna (US 4,539,465).

8. Regarding claim 1, Bosna discloses a welding wire storage device (Abstract) for a welding system 20 (Fig. 1), including a housing 36 (Fig. 2) with a wire core 30 (Fig. 2) surrounding the welding wire being accurately arranged to lie freely in a free space of

Art Unit: 4118

the housing 36 (Fig. 2), wherein one end of the wire core 30 (Fig. 2) is fixed in an end region of the housing Y (Fig. 2 below).



and a measuring means 34 (Fig. 2) is provided to detect the deflection of the wire core 30 (Fig. 2), wherein the wire core is displaceable mounted in a guide element 24 (Fig. 3) on the opposite end region; and two coupling mechanisms X/Y (Fig. 2 above) for connection with a wire guide hose for the wire core 30 (Fig. 2) are arranged on the housing 36 (Fig. 2).

9. Regarding claim 3-5, Bosna discloses wherein elements 34 (Fig. 2) for delimiting the maximum deflection of the wire core 30 (Fig. 2) are arranged in the housing 36 (Fig. 2); wherein an element 32 (Fig. 2) for fastening the hose pack 36 (Fig. 2) is arranged on the opposite side of the free space of the housing X (Figure 2 above); wherein the housing 36 (Fig. 2) (Col. 2, lines 62-65) is arranged between wire feeder 28 (Fig. 2) and a welding torch 16 (Fig. 2); wherein the hose pack 36 (Fig. 2) is arranged

directly, without interruption, between wire feeder 28 (Fig. 2) and the welding torch 16 (Fig. 2); and wherein the wire core 30 (Fig. 2) is interrupted in the housing 36 (Fig. 2).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bosna (US 4,539,465) in view of Tonita (US 4,160,151).

12. Regarding claim 2, Bosna discloses the claimed invention, except for wherein the coupling mechanisms are each designed as a quick-lock. However, Tonita teaches wherein the coupling mechanisms are each designed as a quick-lock (Col.4, lines 9-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the Bosna's reference, to include some type of connectors for both ends of the housing, as suggested and taught by Tonita, for the purpose of providing operator the flexibility to move around the work environment and to change or replace the new welding wire storage device (Col. 3, lines 5-10).

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rigdon et al. (US 6,066,833) disclose apparatus and method for selectively changing welding wire. And Furman (US 5,782,987) discloses MIG welder wire clearing apparatus and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KET DANG whose telephone number is (571)270-7827. The examiner can normally be reached on Monday - Friday, 7:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoang Tu can be reached on (571)272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K.D./  
Examiner Art Unit 4118

/TU B HOANG/  
Supervisory Patent Examiner, Art Unit 3742